



Georgia Department of Motor Vehicle Safety

Roy E. Barnes
Governor

Tim Burgess
Commissioner

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT on April 10, 2002, at 2:00 p.m. in the General Counsel Conference Room at the Department of Motor Vehicle Safety, 2206 East View Parkway, Conyers, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes which are hereunto attached and incorporated by reference.

The chapters affected by the proposed rule & regulation changes are listed below:

Ga. Admin. Comp. Ch. 570-20, Driver Improvement

Ga. Admin. Comp. Ch. 570-3, Driver's License

Ga. Admin. Comp. Ch. 375-1-1, Organization

All interested persons are hereby advised of the opportunity to submit data, views or arguments, orally or in writing. Oral comments will be limited to 10 minutes per person. Anyone needing more than 10 minutes should request additional time by contacting the General Counsel Division, Post Office Box 80447, Conyers, Georgia 30013, in writing, 24 hours prior to the hearing.

This 1st day of March 2002.

Tim Burgess

*Anyone with a disability needing assistance should contact Human Resources, at (678) 413-8738, three days prior to the hearing.

TB:pmj

Attachments

Commissioner's Office
678.413.8660 ■ 678.413.8661 FAX

570-20-.01 Organization. Amended.

~~The Driver Improvement Section of the Department of Public Safety is composed of a supervisor and such additional staff as the Commissioner deems necessary for the efficient operation of the Section. It is the duty of this section to administer Ga. Laws 1978, Act 1495, Ga. Code Title 40-5-80, "The Georgia Driver Improvement Act."~~

Repealed.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Organization" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed June 7, 1984; effective June 27, 1984.

375-5-.01 Organization.

The Driver Improvement ~~Section~~Program of the Department of ~~Public~~ Motor Vehicle Safety is ~~composed of a supervisor and~~ administered by such additional staff as the Commissioner deems necessary ~~for the efficient operation of the~~ Section. It is ~~the duty of this section to administer Ga. Laws 1978, Act 1495, Ga. Code Title 40-5-80, "The Georgia Driver Improvement Act."~~

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Organization" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed June 7, 1984; effective June 27, 1984.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified for clarity. No substantive change is proposed to this existing regulation.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.01, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.01.

The word "Section" is replaced with "program."

The word "Public" is replaced with "Motor Vehicle" to reflect the transfer of the program.

The reference to a supervisor and the last sentence are deleted as surplusage.

570-20-.02 Definitions. Amended.

~~(1) The words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Title 40, Chapter 5, Article 4 of the Georgia Code, unless otherwise defined in the rule of which they are part.~~

~~(2) The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.~~

~~(a) Driver Improvement Clinic--Any individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school or college which shall teach or give instruction in training programs designed for the rehabilitation of problem drivers, and which is certified and licensed by the Department of Public Safety to teach or instruct the Driver Improvement Program of the Department of Public Safety.~~

~~(b) Driver Improvement Instructor--Any individual, whether employed by a Driver Improvement Clinic or operating in his own behalf, or whether acting in behalf of any clinic located within the State of Georgia who teaches or gives instruction for the purpose of meeting the requirements of "The Georgia Driver Improvement Act" and who is certified and licensed in accordance with the Department of Public Safety's Driver Improvement Program Instructor Training Course.~~

~~(c) Driver Improvement Program--That series of courses developed by the Department of Public Safety to include, but not limited to, a defensive driving course, an advanced defensive driving course, and a professional defensive driving course.~~

~~(d) Suspension--The temporary withdrawal by formal action of the Department of the certification or license of a Driver Improvement Clinic or Instructor, which temporary withdrawal shall be for a period specifically designated by the Department.~~

~~(e) Cancellation--The annulment or termination by formal action of the Department of a Driver Improvement Clinic or Instructor's certification or license; such license or certificate shall not be subject to reinstatement or renewal.~~

~~(f) Fine--means the use of a pecuniary punishment of up to \$1,000 for each violation of the Rules and Regulations.~~

~~(g) Commercial Driving School—For purposes of teaching the insurance reduction course as prescribed in O.C.G.A. [33-9-42](#), a Commercial Driving School shall be defined as any Driver Improvement Clinic or Driver Training School licensed by the Department of Public Safety.~~

Repealed.

Authority Ga. L. 1973, Act 1495, (Ga. Code Title 68D); O.C.G.A. Secs. [33-9-42](#), 40-5-83, 40-5-88.

History. Original Rule entitled "Definitions" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed June 5, 1987; effective June 25, 1987. **Amended:** F. Jan. 15, 1992; eff. Feb. 4, 1992.

375-5-.02 Definitions.

(1) ~~The w~~Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Title 40, Chapter 5, Article 4 of the Georgia Code, unless otherwise defined in the rule of which they are part.

(2) The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.

(a) Driver Improvement Clinic--Any individual, partnership, corporation, association, civic group, club, county, municipality, board of education, school or college which shall teach or give instruction in training programs designed for the rehabilitation of problem drivers, and which is certified and licensed by the Department of PublicMotor Vehicle Safety to teach or instruct the Driver Improvement Program of the Department of PublicMotor Vehicle Safety.

(b) Driver Improvement Instructor--Any individual, whether employed by a Driver Improvement Clinic or operating in his own behalf, or whether acting in behalf of any clinic located within the State of Georgia who teaches or gives instruction for the purpose of meeting the requirements of "The Georgia Driver Improvement Act" and who is certified and licensed in accordance with the Department of PublicMotor Vehicle Safety's Driver Improvement Program Instructor Training Course.

(c) Driver Improvement Program--That series of courses developed by the Department of PublicMotor Vehicle Safety to include, but not limited to, a defensive driving course, an advanced defensive driving course, and a professional defensive driving course.

(d) Suspension--The temporary withdrawal by formal action of the Department of the certification or license of a Driver Improvement Clinic or Instructor, which temporary withdrawal shall be for a period specifically designated by the Department.

- (e) Cancellation--The annulment or termination by formal action of the Department of a Driver Improvement Clinic or Instructor's certification or license; such license or certificate shall not be subject to reinstatement or renewal.
- (f) Fine--means the use of a pecuniary punishment of up to \$1,000 for each violation of the Rules and Regulations.
- (g) Commercial Driving School--For purposes of teaching the insurance reduction course as prescribed in O.C.G.A. [33-9-42](#), a Commercial Driving School shall be defined as any Driver Improvement Clinic or Driver Training School licensed by the Department of ~~Public~~Motor Vehicle Safety.

Authority Ga. L. 1973, Act 1495, (Ga. Code Title 68D); O.C.G.A. Secs. [33-9-42](#), 40-5-83, 40-5-88.

History. Original Rule entitled "Definitions" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed June 5, 1987; effective June 25, 1987. **Amended:** F. Jan. 15, 1992; eff. Feb. 4, 1992.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified for clarity. No substantive change is proposed to this existing regulation.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.02, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.02.

The word "Public" is replaced with "Motor Vehicle" to reflect the transfer of the program.

570-20-.03 Department of Public Safety Employees and Other Members and/or Employees of the Criminal Justice System. Amended.

~~(1) After June 1, 1985, no member of the Georgia Department of Public Safety, nor any member's spouse, dependent child, dependent stepchild, or dependent~~

~~adopted child shall be an owner, operator, instructor or employee in any State approved Driver Improvement Clinic.~~

~~(2) After June 1, 1985, no judge, probation employee, law enforcement officer or employee of the court, or his spouse, dependent child, dependent stepchild or dependent adopted child shall be an owner, operator, instructor, or employee in any State approved Driver Improvement Clinic.~~

~~(3) No person who owns, operates, or is employed by a private company which has contracted to provide probation services for misdemeanor cases shall be authorized to own, operate, be an instructor at, or be employed by a Driver Improvement Clinic or a DUI Alcohol or Drug Use Risk Reduction Program.~~

~~(4) No Judicial Officer, Probation Officer, Law Enforcement Officer, or other Officer or employee of a court or person who owns, operates, or is employed by a private company which has contracted to provide private probation services for misdemeanor cases shall specify, directly or indirectly, a particular Driver Improvement Clinic or DUI Alcohol or Drug Use Risk Reduction Program which the person may or shall attend.~~

~~(5) Rule [570-20-.03](#) (1) and (2) shall be amended to authorize Department of Public Safety employees and other members and/or employees of the criminal justice system who own, operate, instruct, or are employed by a Driver Improvement clinic on June 1, 1985, to continue to engage in such activity after June 1, 1985, so long as there is no break in the ownership, employment, or activity of the Driver Improvement Clinic; provided, however, that any such person who divested his interest as a result of the amendment to this Rule which became effective February 28, 1985, may reapply as though there has been no break in activity.~~

Repealed.

Authority O.C.G.A. Secs. [40-5-80](#), 40-5-83, 40-5-85.1. **History.** Original Rule entitled "Department of Public Safety Employees" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule repealed and Emergency Rule [570-20-0.11-.03](#) of the same title, adopted. Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this

Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule repealed and a new Rule of the same title adopted. Filed June 6, 1983; effective June 26, 1983. **Amended:** Rule repealed and a new Rule entitled "Department of Public Safety Employees and Other Members and/or Employees of the Criminal Justice System" adopted. Filed February 8, 1985; effective February 28, 1985. **Amended:** Filed August 16, 1985; effective September 5, 1985. **Repealed:** New Rule of same title adopted. F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Aug. 12, 1993; eff. Sept. 1, 1993.

375-5-.03 Department of Motor Vehicle Safety Employees and Other Members and/or Employees of the Criminal Justice System. Amended.

(1) ~~After June 1, 1985, n~~No member~~employee~~ of the Georgia Department of ~~Public Motor Vehicle Safety~~, nor any ~~member's~~employee's spouse, dependent child, dependent stepchild, or dependent adopted child shall be an owner, operator, instructor or employee in any State approved Driver Improvement Clinic.

(2) ~~After June 1, 1985, n~~No judge, probation employee, law enforcement officer or employee of the court, or his spouse, dependent child, dependent stepchild or dependent adopted child shall be an owner, operator, instructor, or employee in any State approved Driver Improvement Clinic.

(3) No person who owns, operates, or is employed by a private company which has contracted to provide probation services for misdemeanor cases shall be authorized to own, operate, be an instructor at, or be employed by a Driver Improvement Clinic or a DUI Alcohol or Drug Use Risk Reduction Program.

(4) No Judicial Officer, Probation Officer, Law Enforcement Officer, or other Officer or employee of a court or person who owns, operates, or is employed by a private company which has contracted to provide private probation services for misdemeanor cases shall specify, directly or indirectly, a particular Driver Improvement Clinic or DUI Alcohol or Drug Use Risk Reduction Program which the person may or shall attend.

(5) Rule ~~570-20-.03~~ (1) and (2) shall be amended to authorize Department of ~~Public Safety employees and other m~~Members and/or employees of the criminal justice system who own, operate, instruct, or are employed by a Driver Improvement clinic on June 1, 1985, ~~to~~may continue to engage in such activity after June 1, 1985, so long as there is no break in the ownership, employment, or activity of the Driver Improvement Clinic; ~~provided, however, that any such person who divested his interest as a result of the amendment to this Rule which became effective February 28, 1985, may reapply as though there has been no break in activity.~~

Authority O.C.G.A. Secs. [40-5-80](#), 40-5-83, 40-5-85.1. **History.** Original Rule entitled "Department of Public Safety Employees" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule repealed and Emergency Rule [570-20-0.11-.03](#) of the same title, adopted. Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule repealed and a new Rule of the same title adopted. Filed June 6, 1983; effective June 26, 1983. **Amended:** Rule repealed and a new Rule entitled "Department of Public Safety Employees and Other Members and/or Employees of the Criminal Justice System" adopted. Filed February 8, 1985; effective February 28, 1985. **Amended:** Filed August 16, 1985; effective September 5, 1985. **Repealed:** New Rule of same title adopted. F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Aug. 12, 1993; eff. Sept. 1, 1993.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified for clarity. No substantive change is proposed to this existing regulation.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.03, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.03.

The word "Public" is replaced with "Motor Vehicle" to reflect the transfer of the program.

The word "member" is replaced with "employee" for clarity.

Language limiting conflict of interest situations to those arising after June 1, 1985, is removed due to the passage of time; language is retained in paragraph (5) that continues the status quo ante for these individuals.

570-20-.04 Clinic Requirements: Application. Amended.

~~(1)Any person, firm or corporation desiring to be licensed or certified as a Driver Improvement Clinic in the State of Georgia shall complete an application to the~~

Department on a form prepared and furnished by the Department, which shall include:

~~(a)The title or name of the clinic together with complete ownership and name and addresses of directors, officers and controlling stockholders therein.~~

~~(b)The place or places where such instruction will be given.~~

~~(2)The application by the owner, partners, officers, or controlling stockholders of any Driver Improvement Clinic shall be accompanied by two sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county or city officer qualified to make such fingerprints that the fingerprints are those of the applicant(s), and a processing fee for the actual cost of processing for each set of fingerprint cards.~~

~~(3)The application by the owner, partners, officers or controlling stockholders of any Driver Improvement Clinic shall be accompanied by one photograph of the applicant(s). The photograph shall have been taken within thirty days of the date of filing the application and must show a full view of the face, neck, shoulders, and uncovered head.~~

~~(4)The application must contain a notarized certification of the adopted business name if such business is to be conducted under an adopted business name.~~

~~(5)The applicant must submit to the Department, in addition to all other requirements, the following:~~

~~(a)Samples of any and all contracts to be used by the clinic.~~

~~(b)Sample copies of all forms to be used by the clinic which will be furnished or delivered to its students.~~

~~(c)Sample copies of all forms or receipts to be used by the clinic.~~

~~(d)A list designating the full names and addresses of all instructors of the clinic.~~

~~(6)It shall be the duty and responsibility of the clinic owner(s) to submit the renewal form and all other required items at least thirty days prior to the date of expiration to the Department of Public Safety. Absent for good cause, or noncompliance will require that the owner submit an application which will be~~

~~considered under the statutes, rules and regulations then in force with regard to new applicants.~~

~~(7)Every clinic shall be inspected by the respective municipal or county government to ensure compliance with fire and building requirements. Copies of these inspectional reports shall be made available upon request of the Department.~~

~~(8)It shall be the duty and responsibility of the clinic owner(s) to issue to each student who has passed the course a Certificate of Completion. Such a certificate shall only be issued to students who obtain seventy points out of a possible one hundred points on a comprehensive written examination of the course material.~~

~~(9)Every original application for a Driver Improvement Clinic License must be accompanied by a license fee of \$100.00 payable as prescribed by these Rules and Regulations which shall be refunded by the Department if the license is denied.~~

~~(10)Each license issued for a Driver Improvement Clinic shall expire two years from the date on which the license was issued, each license must be renewed biannually in the manner prescribed by the Department. The fee for such renewal shall be \$50.00 payable biannually as prescribed in these Rules and Regulations.~~

~~(11)Owners that allow their Clinic's license to expire will not be permitted to operate the Clinic under any condition during the period in which the License is expired.~~

Repealed.

Authority O.C.G.A. Secs. [40-5-4](#), 40-5-83. **History.** Original Rule entitled "Clinic Requirements Application" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.04](#). Filed April 7, 1983; effective April 6, 1983, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule repealed and Rule amended. Filed June 6, 1993; effective June 26, 1983. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed August 16, 1985; effective September 5, 1985. **Amended:** Filed June 5, 1987; effective June 25, 1987. **Amended:** Filed July 11, 1988;

effective July 31, 1988. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Jan. 15, 1992; eff. Feb. 4, 1992. **Amended:** F. Dec. 8, 1992; eff. Dec. 28, 1992. **Amended:** F. May 13, 1994; eff. Jun. 2, 1994; Amended: F. Aug. 18, 1997; eff. Sep. 7, 1997.

375-5-.04 Clinic Requirements: Application. Amended.

(1) Any ~~person~~ individual, firm, partnership, or corporation, association, civic group, club, county, municipality, board of education, school, or college desiring to be licensed or certified as a Driver Improvement Clinic in the State of Georgia shall complete an application to the Department on a form prepared and furnished by the Department, which shall include:

(a) The title or name of the clinic together with complete ownership and name and addresses of directors, officers and controlling stockholders therein.

(b) The place or places where such instruction will be given.

(2) The application by the owner, partners, officers, or controlling stockholders of any Driver Improvement Clinic shall be accompanied by two sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county or city officer qualified to make such fingerprints that the fingerprints are those of the applicant(s), and a processing fee for the actual cost of processing for each set of fingerprint cards.

(3) The application by the owner, partners, officers or controlling stockholders of any Driver Improvement Clinic shall be accompanied by one photograph of the applicant(s). The photograph shall have been taken within thirty days of the date of filing the application and must show a full view of the face, neck, shoulders, and uncovered head.

(4) The application must contain a notarized certification of the adopted business name if such business is to be conducted under an adopted business name.

(5) The applicant must submit to the Department, in addition to all other requirements, the following:

(a) Samples of any and all contracts to be used by the clinic.

(b) Sample copies of all forms to be used by the clinic which will be furnished or delivered to its students.

(c) Sample copies of all forms or receipts to be used by the clinic.

(d) A list designating the full names and addresses of all instructors of the clinic.

(6)It shall be the duty and responsibility of the clinic owner(s) to submit the renewal form and all other required items at least thirty days prior to the date of expiration to the Department of Public Safety. Absent for good cause, or noncompliance will require that the owner submit an application which will be considered under the statutes, rules and regulations then in force with regard to new applicants.

(7)Every clinic shall be inspected by the respective municipal or county government to ensure compliance with fire and building requirements. Copies of these inspectional reports shall be made available upon request of the Department.

(8)It shall be the duty and responsibility of the clinic owner(s) to issue to each student who has passed the course a Certificate of Completion. Such a certificate shall only be issued to students who obtain seventy points out of a possible one hundred points on a comprehensive written examination of the course material.

(9)Every original application for a Driver Improvement Clinic License must be accompanied by a license fee of \$1200.00 payable as prescribed by these Rules and Regulations which shall be refunded by the Department if the license is denied.

(10)Each license issued for a Driver Improvement Clinic shall expire two years from the date on which the license was issued, each license must be renewed biannually in the manner prescribed by the Department. The fee for such renewal shall be \$5100.00 payable biannually as prescribed in these Rules and Regulations.

(11)Owners that allow their Clinic's license to expire will not be permitted to operate the Clinic under any condition during the period in which the License is expired. All rosters, forms, and correspondence submitted to the Department shall bear the expiration date of the clinic license thereon.

Authority O.C.G.A. Secs. [40-5-4](#), 40-5-83. **History.** Original Rule entitled "Clinic Requirements Application" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by

Emergency Rule [570-20-0.11-.04](#). Filed April 7, 1983; effective April 6, 1983, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule repealed and Rule amended. Filed June 6, 1993; effective June 26, 1983. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed August 16, 1985; effective September 5, 1985. **Amended:** Filed June 5, 1987; effective June 25, 1987. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Jan. 15, 1992; eff. Feb. 4, 1992. **Amended:** F. Dec. 8, 1992; eff. Dec. 28, 1992. **Amended:** F. May 13, 1994; eff. Jun. 2, 1994; Amended: F. Aug. 18, 1997; eff. Sep. 7, 1997.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified for clarity. The fees for initial and renewal applications are increased to reflect increased costs over time for the processing of these applications. A requirement is added that the expiration date of the clinic license appear on all forms, rosters, and correspondence submitted to the Department. This change is intended to serve as a reminder in order that clinics do not inadvertently permit a license to lapse. No other substantive changes are proposed to this existing regulation.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.04, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.04.

Paragraph (1) is amended so as to mirror the current definition of “Driver Improvement Clinic” in Ga. Admin. Comp. Ch. 570-20-.02.

In Paragraph (6), the words “of Public Safety” are deleted to reflect the transfer of the program.

In paragraph (9), the initial application fee of \$100.00 is replaced with \$200.00.

In paragraph (10), the renewal application fee of \$50.00 is replaced with \$100.00.

In paragraph (11), the second sentence is added.

570-20-.05 Qualification of Clinic Owners. Amended.

~~(1) Only qualified people may own, operate, or instruct in a Driver Improvement Clinic.~~

~~(a) No person with a criminal conviction will be licensed unless he or she has received a pardon and can produce evidence of same.~~

~~(b) Consideration will be given to educational background. A minimum of a high school diploma or GED equivalent is required.~~

~~(c) The Department shall consider the experience and moral character of the applicant and may require letters of recommendation from upstanding members of the community to be served.~~

~~(d) Presenting false material information on an application shall preclude any individual, partnership, or corporation from obtaining a license.~~

Repealed.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Nontransferability" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule [570-20-.05](#) renumbered as 570-20-.06 and anew Rule [570-20-.05](#) entitled "Qualifications of Clinic Owners" adopted. Filed June 10, 1985; effective June 30, 1985.

375-5-.05 Qualification of Clinic Owners

(1) Only qualified people may own, operate, or instruct in a Driver Improvement Clinic.

(a) No person with a ~~criminal~~ conviction of a felony or any other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, will be licensed unless he or she has received a pardon and can produce evidence of same. For the purposes of this subparagraph, a plea of nolo contendere shall be considered to be a conviction.

(b) Consideration will be given to educational background. A minimum of a high school diploma or GED equivalent is required.

(c) The Department shall consider the experience and moral character of the applicant and may require letters of recommendation from upstanding members of the community to be served.

(d) Presenting false material information on an application shall preclude any individual, partnership, or corporation from obtaining a license and, if discovered after the issuance of the license, shall be grounds for cancellation or revocation of that license.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Nontransferability" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule [570-20-.05](#) renumbered as 570-20-.06 and anew Rule [570-20-.05](#) entitled "Qualifications of Clinic Owners" adopted. Filed June 10, 1985; effective June 30, 1985.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified for clarity. The types of criminal convictions that will cause denial of a clinic license are more clearly defined. It is expressly provided that a plea of nolo contendere will be considered to be a conviction for this purpose. Express provision is made for the cancellation of a license if it is determined after the license has been issued that the applicant submitted false information.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.05, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.05.

Paragraph (1)(a) is amended so as to provide that criminal convictions of a felony, other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law will result in license denial. The second sentence is added.

In Paragraph (1)(d), a clause is added provided that a previously issued license may be cancelled upon a determination that the applicant submitted false information.

570-20-.06 Nontransferability. Amended.

~~(1) Any license for a Driver Improvement Clinic shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license surrendered to the Department before another license can be issued to the new owner(s).~~

~~(2) The application for a license by a new owner shall be made in the same manner as for an original license for a driver improvement clinic and the fee shall be the same as for an original license.~~

Repealed.

Authority Ga. L. 1978, Act 1495, (Ga. Code Title 68D); O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Display of License" was filed on August 9, 1978; effective August 29, 1978.

Amended: Filed June 7, 1984; effective June 27, 1984. **Amended:** This Rule renumbered as 570-20-.07 and Rule [570-20-.05](#) entitled "Nontransferability" renumbered as 570-20-.06. Filed June 10, 1985; effective June 30, 1985. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990.

375-5-.06 Nontransferability.

(1) Any license for a Driver Improvement Clinic shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license surrendered to the Department before another license can be issued to the new owner(s).

(2) The application for a license by a new owner shall be made in the same manner as for an original license for a driver improvement clinic and the fee shall be the same as for an original license.

Authority Ga. L. 1978, Act 1495, (Ga. Code Title 68D); O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Display of License" was filed on August 9, 1978; effective August 29, 1978.

Amended: Filed June 7, 1984; effective June 27, 1984. **Amended:** This Rule renumbered as 570-20-.07 and Rule [570-20-.05](#) entitled "Nontransferability" renumbered as 570-20-.06. Filed June 10, 1985; effective June 30, 1985. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

No changes are proposed.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.06, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.06.

570-20-.07 Display of License. Amended.

~~(1) The Driver Improvement Clinic license must be clearly displayed in a conspicuous location at all times in the classroom used by the clinic for the purpose of instructing under the Driver Improvement Program.~~

~~(2) If either the clinic license or instructor's certificate is lost, mutilated or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit stating the following:~~

- ~~(a) The date the license or certificate was lost, mutilated or destroyed.~~
- ~~(b) The circumstances of the loss, mutilation or destruction.~~
- ~~(c) The name of the law enforcement agency to which a report was made, including the name of such report, in the case of theft, fire or loss.~~

~~(3) The fee for a duplicate license or certificate shall be the same as the fee for a renewal of the license or certificate.~~

Repealed.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Changes of Officers or Address" was filed on August 9, 1978; effective August 29, 1978. **Amended:** This Rule renumbered as 570-20-.08 and Rule [570-20-.06](#) entitled "Display of License" renumbered as 570-20-.07. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed July 11, 1988; effective July 31, 1988.

375-5-.07 Display of License.

- (1) The Driver Improvement Clinic license must be clearly displayed in a conspicuous location at all times in the classroom used by the clinic for the purpose of instructing under the Driver Improvement Program.
- (2) If either the clinic license or instructor's certificate is lost, mutilated or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit stating the following:
 - (a) The date the license or certificate was lost, mutilated or destroyed.
 - (b) The circumstances of the loss, mutilation or destruction.
 - ~~(c) The name of the law enforcement agency to which a report was made, including the name of such report, in the case of theft, fire or loss.~~
- (3) The fee for a duplicate license or certificate shall be the same as the fee for a renewal of the license or certificate.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Changes of Officers or Address" was filed on August 9, 1978; effective August 29, 1978. **Amended:** This Rule renumbered as 570-20-.08 and Rule [570-20-.06](#) entitled "Display of License" renumbered as 570-20-.07. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed July 11, 1988; effective July 31, 1988.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The requirement of a police report of a lost license is repealed. Many law enforcement agencies will no longer accept reports of lost or damaged property absent criminal conduct. Experience has not demonstrated a continuing need for the requirement.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.07, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.07.

Subparagraph (2)(c) is repealed.

570-3-.33 Classes of License.

(1) Class A: Any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class C.

(2) Class B: Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, and all vehicles included within Class C.

(3) Class C: Any single vehicle with a gross vehicle weight rating not in excess of 26,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross vehicle weight rating not in excess of 26,000 pounds, and any self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

(4) Class D: Provisional license applicable to noncommercial Class C vehicles for which an applicant desires a driver's license but is not presently licensed to drive.

(5) Class M: Motorcycles, motor driven cycles, and three-wheeled motorcycles.

(6) Class P: Instructional permit applicable to all types of vehicles for which an applicant desires a driver's license but is not presently licensed to drive.

Authority O.C.G.A. Sec. 40-5-23.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The regulation provides for the type of vehicles that may be driven under each class of license. The regulation fills a gap in current statutory provisions by making provision for the operation of a combination of vehicles of 26,000 pounds or less with a towed component in excess of 10,000 pounds, a combination for which there is no current statutory provision.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

375-1-1-.01 Organization.

- (1) The Department of Motor Vehicle Safety is composed of six divisions: the General Counsel Division, the Fiscal Division, the Administration Division, the Operations Division, the Enforcement Division, and the Information Technology Division. The Operations Division is composed of the Driver's License Services Section and the Motor Vehicle Services Section.
- (2) The Department's Headquarters is located at 2206 East View Parkway, Conyers, Georgia 30013.
- (3) The Department's Headquarters mailing address is P. O. Box 80447, Conyers, Georgia 30013.
- (4) The Motor Vehicle Services Section is located at 1200 Tradeport Boulevard, Hapeville, Georgia. The mailing address for the Motor Vehicle Services Section is P. O. Box 740381, Atlanta, Georgia 30374-0381.

- (5) All legal notices and all notices and correspondence respecting administrative proceedings should be directed to the Department of Motor Vehicle Headquarters.

Authority O.C.G.A. §§ 40-16-1 *et seq.*

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to adopt a regulation in compliance with the requirements of O.C.G.A. § 50-13-3(a)(1), which requires the agency to adopt as a rule a description of its organization and the methods whereby the public may obtain information or make submissions or requests.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.